

REMARKS

Applicant has carefully reviewed the Official Action dated June 10, 1999, placing this patent application under final rejection.

Applicant respectfully requests reconsideration and withdrawal of the final action as being premature. In the final action, a new ground of rejection has been raised against dependent Claim 3. In the Official Action dated December 10, 1998, dependent Claim 3 was rejected only as being anticipated by United States Patent No. 4,747,788. In Applicant's Amendment filed on March 12, 1999, no revisions were made to dependent Claim 3. In the final action dated June 10, 1999, Claim 3 has been rejected only as being unpatentable over U.S. Patent No. 4,747,788 under 35 U.S.C. Section 103(a), which constitutes a new ground of rejection of Claim 3. Manual of Patent Examining Procedure, 7th Edition, July 1998, Section 706.07(a). Applicant respectfully requests reconsideration and withdrawal of the final rejection made in the Official Action dated June 10, 1999 on the grounds that it is premature. Manual of Patent Examining Procedure, 7th Edition, July, 1998, Section 706.07(d).

At page 3, paragraph 4 of the Official Action, the Examiner has rejected the claims as being indefinite based upon use of the term "substantially". Applicant disagrees with this basis for rejection. Although the Examiner relies upon MPEP Section 2173.05(d), this section in the latest addition of the MPEP refers only to "Exemplary Claim Language". On the contrary, the use of the term "substantially" is addressed at MPEP Section 2173.05(b)D. This section of the MPEP acknowledges that the courts have approved use of the term "substantially" as not rendering a claim indefinite.

In any event, for the purposes of simplifying the issues and expediting the final disposition of this application, Applicant has amended the claims to delete the term "substantially" for the purposes of overcoming the formal ground of rejection raised in the Official Action. These amendments to the claims are exclusively formal, not substantive in nature, and have been made only for the purpose of overcoming the formal ground of rejection raised by the Examiner, notwithstanding Applicant's disagreement with this basis for rejection. Applicant respectfully requests that this Amendment to the claims be entered notwithstanding the final action since the Amendment is being made in response to a formal ground of rejection first raised in the final action, and is directed exclusively to formal matters and thus does not raise any new issues requiring any further search or consideration by the Examiner.

At page 2, paragraph 2 of the Official Action, the Examiner has objected to the drawings under 37 C.F.R. 1.83(a) on the grounds that the drawings do not show all features recited in the claims. In response to this objection, Applicant has submitted proposed revisions to the drawings for the Examiner's review and approval. Applicant also proposes to amend the specification to conform to the proposed revised drawings by referring to designated elements in the revised drawings by the corresponding reference numerals. The revisions to the drawings and specification do not add new matter to this application since both the original specification and the original claims, which constitute original disclosure to this patent application, disclose all further features now being illustrated in the drawings. It is proper to revise the drawings to illustrate features disclosed in the original disclosure of a patent application without adding new matter.

At page 2, paragraph 3 of the Official Action, the Examiner has objected to the drawings under 37 C.F.R. 1.83(b) on the grounds that they are incomplete. Applicant respectfully disagrees with this basis for objection. The claimed subject matter is directed to a receptacle unit adapted to be mounted in an article of furniture. The drawings show the receptacle unit and the article of furniture in which the receptacle unit is mounted. It is necessary to show both the article of furniture and receptacle unit to properly illustrate the operating environment of the receptacle unit. Applicant therefore

respectfully submits that the drawings are complete, and requests that the Examiner reconsider and withdraw the objection to the drawing under 37 C.F.R. 1.83(b).

At page 3, paragraph 7 of the Official Action, Claims 1, 2, 6 and 16 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 4,747,788. This ground of rejection is similar to the rejection made at page 3, paragraph 8 of the Official Action dated December 10, 1998. However, in the present Official Action, the Examiner states that the cited reference discloses biasing means designated by reference numeral 180, not by reference numeral 148, as stated in the earlier Official Action. Applicant still disagrees with the Examiner's characterization of the element designated by reference numeral 180 in U.S. Patent No. 4,747,788 as biasing means. On the contrary, United States Patent No. 4,747,788 discloses that the elements designated by reference numeral 180 are bosses which are "squeezed" (Column 10, Line 62) above grooves 148 to maintain a carriage 150 above a collar 116 of a housing 108. See, U.S. Patent No. 4,747,788, Column 10, Line 4, through Column 11, Line 52. Essentially, the bosses 180 are flexible stop elements, and not means for resiliently biasing a receptacle into an extended position, as disclosed and claimed by Applicant.

Attention is also invited to the Abstract of the Disclosure which states, in pertinent part:

"...In addition, a manually movable and slideable power carriage (150) is utilized to mount the receptacles (170). In response to manually exerted forces on the power carriage (150), the carriage can be extended upward into an open position..."

Thus, U.S. Patent No. 4,797,788 discloses a power carriage 150 which is manually movable relative to a fixed housing structure (108), and the disclosure of this patent does not teach or suggest means for resiliently biasing a receptacle unit relative to a fixed surface, as expressly recited in rejected dependent Claim 6. Therefore, there is clearly no strict identity of invention between Claim 6 and U.S. Patent No. 4,747,788, the only reference applied to reject Claim 6.

In addition to the above, Applicant reiterates and incorporates by reference herein, the arguments presented at page 7, first full paragraph through page 9, first full paragraph of the Amendment filed on March 12, 1999, in response to the rejection of claims made at page 3, paragraph 7 of the latest Official Action. Applicant submits, for the reasons discussed herein and in the earlier Amendment, that there is clearly no strict identity of invention between the rejected claims and the applied prior art reference and that the rejection of the claims as being anticipated is inappropriate and should be withdrawn.

The rejection at page 4, paragraph 8 of the latest Official action corresponds to the rejection made at page 4, paragraph 9 of the Official Action dated December 10, 1998. Applicant

reiterates and incorporates by reference the arguments presented starting at page 9, last paragraph through page 10, first full paragraph of the Amendment filed on March 12, 1999. Applicant respectfully submits, for the reasons discussed in the previously filed Amendment, that there is clearly no strict identity of invention between the disclosure of the Mitchell et al patent and Claims 19 and 20, and thus the rejection of these claims as being anticipated by the applied reference is inappropriate and should be withdrawn.

The rejection made at page 4, paragraph 9 of the latest Official Action is similar to the rejection made at page 4, paragraph 11 of the Official Action dated December 10, 1998. Applicant reiterates and incorporates by reference the arguments made starting at page 10, last paragraph, through page 11, last paragraph of the Amendment filed on March 12, 1999. For the reasons discussed in the previously filed Amendment, Applicant respectfully submits that United States Patent No. 4,747,788 does not render obvious the inventions defined by Claims 3 - 5, 7 - 8, 10 - 13, 15 and 17 - 18 (i.e., the claims rejected at page 4, paragraph 9 of the latest Official Action). Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

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Applicant notes that in the latest Official Action, no prior art rejections have been raised against Claims 9 and 14. Since all formal grounds of rejection raised at paragraphs 4 and 5 of

the Official Action have been overcome, Claims 9 and 14 are directed to subject matter which the Examiner appears to consider allowable.

At page 5, paragraphs 11 and 12 of the latest Official Action, the Examiner's only response to the arguments presented by Applicant in the Amendment filed on March 12, 1999 is that the term "substantially" renders the claims indefinite. The latest Official Action fails to respond to any of the substantive arguments presented by Applicant in the Amendment filed March 12, 1999. In any event, the present Amendment has responded to the only issue raised by the Examiner at paragraphs 11 and 12 of the latest Official Action by revising the form of the claims to delete the recitation of the term "substantially".

For the reasons discussed herein, Applicant submits that all pending claims are in condition for allowance over the prior art applied in the final action, and respectfully requests that the final action be reconsidered and withdrawn and that this case be allowed. Additionally, as noted by Applicant previously herein, the final action should be withdrawn as being premature.

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Applicant submits that this patent application is in

condition for allowance, and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark P. Stone".

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A handwritten checkmark or diagonal line.